

REMARKS

In response to the Final Office Action mailed July 28, 2009 and the Advisory Action mailed November 5, 2009, the Assignee respectfully requests reconsideration. To further the prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The application as presented is believed to be in allowable condition.

I. Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1-10 and 30-39 (including independent claims 1, 30 and 39) under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,173,266 (“Marx”) in view of U.S. Patent No. 7,266,181 (“Zirngibl”).

A. Overview of Some Embodiments

Programmers of interactive speech applications often are faced with managing and preparing audio responses to catch events that occur during use of the speech application (¶0002). Representative catch events include user requests for help, non-input entries (in which no user response is received), and non-matching entries (in which the user response is not understood) (¶0002).

In some embodiments, a style-selection menu that enables a programmer to select a particular catch style for an interactive speech application may be presented to the programmer (¶0020; Fig. 1). When creating the interactive speech application, the selected catch style may be applied to multiple catch events in the interactive speech application while the catch style is selected (¶0019). Selection of a single catch style for multiple catch events in the speech application obviates the need for creation of text and/or code for each individual catch event, thereby simplifying the programmer’s task in managing catch events (¶¶0018-0019; Fig. 1).

The foregoing summary is provided to assist the Examiner in appreciating some aspects and/or applications of embodiments described in the present application. However, this summary may not apply to each of the independent claims, and the language of the independent claims may differ in material respects from the summary provided above. Thus, the Assignee respectfully requests that careful consideration be given to the language of each of the independent claims and

that each be addressed on its own merits, without relying on the summary provided above. In this respect, the Assignee does not rely on the summary provided above to distinguish any of the claims over the prior art. Rather, the Assignee relies only upon the arguments provided below.

B. Discussion of Marx

Marx is directed to a graphical method for developing an interactive speech application (abstract). To create a call flow, an application developer links together prepackaged software modules called “dialogue modules” that each represents a discrete dialogue task in an interactive speech application (Col. 4, lines 20-32; Fig. 7). Each dialogue module has customizable parameters, which allow the application developer to enable/disable certain features such as “*barge-in*,” or to select appropriate error handling methods and prompts (Col. 4, lines 33-49; Fig. 9). The complexity of the processing in each dialogue module varies depending on the discrete dialogue task assigned to the dialogue module (Col. 10, lines 42-44).

As described above, dialogue modules include error recovery methods which can be customized by an application developer for specific instances of the dialogue module (Col. 13, lines 12-14). For example, the error recovery window 1600 shown in Fig. 16 allows an application developer to “customize the error recovery properties to determine the call flow within a Dialogue Module instance” (Col. 20, lines 17-21). That is, ***for each instance of a dialogue module in the interactive speech application***, an application programmer specifies how the system will respond to errors during the portion of the call flow in which the dialogue module is executing.

C. The Combination of Marx and Zirngibl Fails to Disclose All Limitations of Independent Claims 1, 30, and 39

i. *Independent Claim 1*

Amended claim 1 recites, *inter alia*, “upon selection of a catch style, preparing the system’s audio response for the plurality of catch events in the interactive voice application **by, while the catch style is selected, applying the selected catch style to at least two of the plurality of catch events in the interactive voice application**” (emphasis added). Support for this

amendment is found at least at ¶¶0029-0030 of the specification as originally filed. Neither Marx nor Zirngibl discloses or suggests this limitation of claim 1.

During a telephone conference on October 15, 2009 (which was summarized in the response dated October 28, 2009), the Assignee's representatives discussed a distinction between manually configuring error recovery options for *individual* dialogue modules of Marx and applying a selected catch style to *multiple* catch events in an interactive voice application. The Examiner indicated that amendments to clarify this distinction would appear to distinguish over the cited references but reserved final judgment as to the allowability of the claims pending further search and consideration. In Assignee's amendment dated October 28, 2009, claim 1 was amended to clarify this distinction. However, in response to the amendment, the Advisory Action asserts that the previous amendments to claim 1 are still broad enough to be unpatentable over Marx et al (Advisory Action, page 2).

Although the Assignee does not agree with this assertion, claim 1 has been further amended herein to recite, “upon selection of a catch style, preparing the system’s audio response for the plurality of catch events in the interactive voice application **by, while the catch style is selected, applying the selected catch style to at least two of the plurality of catch events** in the interactive voice application (emphasis added).” Marx does not disclose or suggest any such catch style that is applied to *at least two* of the plurality of catch events in an application while the catch style is selected. Rather, an application developer in Marx must separately define error recovery methods for *each* dialog module in an application, and it is not possible to select a catch style which, when selected, is applied to at least two catch events in the application.

Zirngibl fails to cure these deficiencies of Marx as Zirngibl also fails to disclose or suggest “applying [a] selected catch style to at least two of the plurality of catch events in an interactive voice application”, as recited in claim 1. Zirngibl is directed to a system for providing inbound and outbound voice services and is not concerned with catch styles or catch events for an interactive voice application.

For at least the foregoing reasons, claim 1 patentably distinguishes over the combination of Marx and Zirngibl and it is respectfully requested that the rejection under 35 U.S.C. §103 be withdrawn. Claims 2-10 depend from claim 1 and each is allowable for at least the same reasons.

Independent Claim 30

For reasons that may be appreciated from the foregoing discussion, the combination of Marx and Zirngibl does not disclose or suggest, “prepare, upon selection of a catch style, the system’s audio response for the plurality of catch events in the speech application **by, while the catch style is selected, applying the selected catch style to at least two of the plurality of catch events in the speech application** (emphasis added)” as recited in amended claim 30.

For at least this reason it is respectfully requested that the rejection under 35 U.S.C. §103 be withdrawn. Claims 31-38 depend from claim 30 and are allowable for at least the same reasons.

Independent Claim 39

For reasons that may be appreciated from the foregoing discussion, the combination of Marx and Zirngibl does not disclose or suggest, “... preparing, upon selection of a catch style, the system’s audio response for the plurality of catch events in the speech application **by, while the catch style is selected, applying the selected catch style to at least two of the plurality of catch events in the speech application** (emphasis added)” as recited in amended claim 39.

For at least this reason it is respectfully requested that the rejection under 35 U.S.C. §103 be withdrawn.

II. New Dependent Claims 40-45

Claims 40-45 are newly added to this application. Support for these new dependent claims is found at least at ¶0027 and ¶0029 of the specification as originally filed. Each of these claims is believed to be in allowable condition at least because it depends from a claim that patentably distinguishes over the cited art of record.

III. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, for the sake of brevity, the Assignee believes that it is unnecessary at this

time to argue the further distinguishing features of the dependent claims. However, the Assignee does not necessarily concur with the interpretation of the previously presented dependent claims as set forth in the Office Action, nor does the Assignee concur that the basis for rejection of any of the previously presented dependent claims is proper. Therefore, the Assignee reserves the right to specifically address the further patentability of the dependent claims in the future.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Assignee's representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

The Assignee believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. N0484.70570US00 from which the undersigned is authorized to draw.

Dated: November 30, 2009

Respectfully submitted,

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